
By: **Chairman, Rules and Executive Nominations Committee**
(Departmental - Natural Resources)

Introduced and read first time: February 23, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Hunting and Chasing - Fur-Bearing Mammals and Nutria - Licensing**

3 FOR the purpose of licensing certain individuals to trap or chase fur-bearing
4 mammals or nutria; requiring certain shippers of fur-bearing mammal and
5 nutria pelts to acquire a furbearer user's license or a fur dealer's license;
6 establishing certain fees for a furbearer user's license; providing that the fees go
7 into a certain fund; authorizing the Secretary of Natural Resources to adopt
8 certain regulations; authorizing the Secretary to establish a certain advisory
9 committee; authorizing the Secretary to suspend or refuse to issue a furbearer
10 user's license under certain circumstances; providing certain education
11 requirements for persons to obtain a furbearer user's license; prohibiting the use
12 of certain traps under certain circumstances; repealing certain provisions
13 relating to hunting and chasing fur-bearing mammals or nutria; and generally
14 relating to hunting and chasing of fur-bearing mammals or nutria.

15 BY repealing and reenacting, with amendments,
16 Article - Natural Resources
17 Section 10-301(b) and (f)(1), 10-301.1(a), 10-410(o), and 10-501
18 Annotated Code of Maryland
19 (2000 Replacement Volume)

20 BY repealing
21 Article - Natural Resources
22 Section 10-502
23 Annotated Code of Maryland
24 (2000 Replacement Volume)

25 BY adding to
26 Article - Natural Resources
27 Section 10-502, 10-502.1, and 10-502.2
28 Annotated Code of Maryland
29 (2000 Replacement Volume)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article - Natural Resources**

4 10-301.

5 (b) (1) The following persons are not required to obtain a hunter's license:

6 (i) With respect to hunting on farmland only:

7 1. Except as provided in paragraph (2) of this subsection, the
8 owner of the farmland and the owner's spouse, children, and children's spouse; and

9 2. A tenant and the tenant's spouse, children, and, if residing
10 on the farmland, children's spouse. A tenant is a person holding land under a lease, or
11 a sharecropper who resides in a dwelling on the land, but a tenant does not include
12 any employee of the owner or tenant;

13 (ii) Any resident serving in the armed forces of the United States
14 while on leave in the State, during the resident's leave period, if, while hunting, the
15 resident possesses a copy of the resident's official leave order; and

16 (iii) [Any unarmed person participating in an organized foxhunt]
17 ANY PERSON POSSESSING A FURBEARER USER'S LICENSE AND IS EXCLUSIVELY
18 HUNTING OR CHASING FUR-BEARING MAMMALS OR NUTRIA.

19 (2) The provisions of paragraph (1)(i)1 of this subsection do not apply to
20 a nonresident owner of farmland.

21 (f) (1) There shall be the following types of hunting licenses in the State:

22 (i) A resident consolidated hunting license that enables the
23 purchaser to hunt all legal game birds and mammals, EXCEPT FUR-BEARING
24 MAMMALS, during any appropriate season in Maryland without the purchase of
25 additional stamps, except that to hunt wild waterfowl the purchaser must also buy a
26 Maryland migratory wild waterfowl stamp and a federal migratory bird hunting and
27 conservation stamp.

28 (ii) A resident basic hunting license that enables the purchaser to
29 hunt all legal game birds and mammals, EXCEPT FUR-BEARING MAMMALS, during
30 any appropriate season without the purchase of additional stamps unless the
31 purchaser is hunting deer or wild waterfowl. This license enables the purchaser to
32 hunt deer only with the purchase of the appropriate deer stamps and to hunt wild
33 waterfowl only with the purchase of a Maryland migratory wild waterfowl stamp and
34 a federal migratory bird hunting and conservation stamp.

35 (iii) A nonresident basic hunting license that enables the purchaser
36 to hunt all legal game birds and mammals, EXCEPT FUR-BEARING MAMMALS, during
37 any appropriate season without the purchase of additional stamps unless the

1 purchaser is hunting wild waterfowl or deer during bow and arrow season or black
2 powder season. This license enables the purchaser to hunt wild waterfowl only with
3 the purchase of a Maryland migratory wild waterfowl stamp and a federal migratory
4 bird hunting and conservation stamp. This license enables the purchaser to hunt deer
5 during bow and arrow season and black powder season only with the purchase of the
6 appropriate deer stamp.

7 (iv) A nonresident 3-day hunting license that enables the purchaser
8 to hunt all legal game birds and mammals except deer [and], turkey AND
9 FUR-BEARING MAMMALS, for the 3 consecutive legal hunting days in a single season
10 that are specified on the license by the issuing agent. The purchaser must also
11 purchase a Maryland migratory wild waterfowl stamp and a federal migratory bird
12 hunting and conservation stamp to hunt wild waterfowl with this license. Under no
13 circumstance does this license authorize the purchaser to hunt deer [and], turkey,
14 AND FUR-BEARING MAMMALS.

15 10-301.1.

16 (a) (1) (i) On or after July 1, 1977 a person under 18 years of age may not
17 procure a hunting license or hunt in the State, unless the person has first been issued
18 a certificate of competency in firearms and hunter safety.

19 (ii) On or after July 1, 1977 a person, regardless of age, may not
20 procure a hunting license OR A FURBEARER USER'S LICENSE TO HARVEST
21 FUR-BEARING MAMMALS OR NUTRIA WITH AID OF A FIREARM OR BOW HUNTING
22 EQUIPMENT without producing a certificate of competency or a hunting license issued
23 prior to July 1, 1977 or making out an affidavit that the person had such a license.

24 (2) This section does not apply to:

25 (I) ANY PERSON WHO PURCHASES A FURBEARER USER'S LICENSE
26 TO TRAP OR CHASE FUR-BEARING MAMMALS OR NUTRIA;

27 (II) [nonresidents] NONRESIDENTS of Maryland who purchase a
28 hunting license in the State to hunt wild waterfowl. However, this does apply to
29 nonresidents of Maryland who purchase hunting licenses in the State to hunt other
30 wildlife.

31 10-410.

32 (o) (1) [In Anne Arundel, Baltimore, Montgomery, and Prince George's
33 counties, a] A person may not use, set, place, or maintain any steel jaw leghold trap
34 on land. The steel jaw leghold trap may be used for the capture of fur-bearing
35 mammals in water only.

36 (2) This subsection does not apply to:

37 (i) Traps set on farmland by the owner of the farmland, by the
38 owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's
39 immediate family who resides on the farmland; or

1 (ii) Traps set by an authorized agent of the [Maryland Forest, Park
2 and Wildlife Service] DEPARTMENT who exercises the agent's duties for wildlife
3 control OR MANAGEMENT under guidelines established by the Department.

4 10-501.

5 (a) In this title the following words have the meanings indicated.

6 (b) "Fur dealer" means any person who buys or acquires raw and green furs,
7 skins, hides, or pelts of wild quadrupeds from any person and sells or disposes of
8 them.

9 (C) "FURBEARER USER" MEANS ANY PERSON THAT HUNTS OR CHASES
10 FUR-BEARING MAMMALS OR NUTRIA, INCLUDING UNARMED CHASING OF FOX.

11 [10-502.

12 (a) Any nonresident of the State who desires to trap fur bearers, except otter
13 or beaver, first shall procure a nonresident trapper's license in addition to any other
14 license required. The license shall be issued only to residents of other states which
15 grant the same trapping privileges to Maryland residents.

16 (b) The license shall be:

17 (1) Issued for a \$25.50 fee or a fee equal to that charged by the
18 nonresident's home state for a similar license, whichever is greater;

19 (2) Issued in accordance with the procedures for issuing nonresident
20 hunting licenses; and

21 (3) Effective for the same period as a hunter's license.

22 (c) In addition to the license fee, the designated person who sells and issues
23 the license may collect a processing fee equal to 10% of the license fee, and the
24 balance of the fee shall be paid and accounted for in the manner provided by § 10-209
25 of this title.]

26 10-502.

27 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION OR
28 ELSEWHERE IN THIS TITLE, A PERSON MAY NOT HUNT OR CHASE FUR-BEARING
29 MAMMALS OR NUTRIA WITHOUT FIRST OBTAINING A FURBEARER USER'S LICENSE.

30 (2) A PERSON LEGALLY HUNTING SPECIES OTHER THAN FUR-BEARING
31 MAMMALS OR NUTRIA MAY TAKE NUTRIA INCIDENTAL TO THEIR HUNTING
32 ACTIVITIES.

33 (B) A PERSON WHO IS NOT REQUIRED TO OBTAIN A HUNTING LICENSE TO
34 HUNT ON FARMLAND UNDER § 10-301(B)(1) OF THIS TITLE MUST OBTAIN A
35 FURBEARER USER'S LICENSE, TO HUNT OR CHASE FUR-BEARING MAMMALS OR

1 NUTRIA ON THE SAME FARMLAND. HOWEVER, THE DEPARTMENT SHALL PROVIDE
2 THE FURBEARER USER'S LICENSE AT NO COST.

3 (C) THE FEE FOR A FURBEARER USER'S LICENSE SHALL BE:

4 (1) FOR A MARYLAND RESIDENT, AT LEAST 12 YEARS OLD AND UNDER
5 THE AGE OF 16 YEARS, A FEE EQUAL TO THE FEE FOR A BASIC HUNTING LICENSE
6 FOR A RESIDENT UNDER THE AGE OF 16 YEARS, AS SET FORTH IN § 10-301 OF THIS
7 TITLE;

8 (2) FOR A MARYLAND RESIDENT, AT LEAST 16 YEARS OLD AND UNDER
9 THE AGE OF 65 YEARS, A FEE EQUAL TO THE FEE FOR A BASIC HUNTING LICENSE FEE
10 FOR A RESIDENT, AT LEAST 16 YEARS OLD AND UNDER THE AGE OF 65 YEARS, AS SET
11 FORTH IN § 10-301 OF THIS TITLE; AND

12 (3) FOR A MARYLAND RESIDENT, AT LEAST 65 YEARS OLD, A FEE EQUAL
13 TO THE FEE FOR A SENIOR CONSOLIDATED ANNUAL LICENSE, AS SET FORTH IN §
14 10-301 OF THIS TITLE;

15 (D) THE FEE FOR A FURBEARER USER'S LICENSE FOR A NONRESIDENT SHALL
16 BE:

17 (1) \$25.50 OR FOR RESIDENTS OF DELAWARE, PENNSYLVANIA, VIRGINIA,
18 OR WEST VIRGINIA, A FEE EQUAL TO THAT OF THE NONRESIDENT'S STATE FOR THE
19 SAME PRIVILEGE, WHICHEVER IS HIGHER; AND

20 (2) \$15.50 FOR NONRESIDENTS ENGAGING ONLY IN THE UNARMED
21 CHASING OF FOX.

22 (E) THE DESIGNATED PERSON WHO SELLS AND ISSUES FURBEARER USER'S
23 LICENSES SHALL RETAIN AS COMPENSATION 50 CENTS FOR EACH FURBEARER
24 USER'S LICENSE SOLD.

25 (F) A FURBEARER USER'S LICENSE SHALL BE VALID FOR THE PERIOD OF
26 AUGUST 1 THROUGH JULY 31 OF THE SUBSEQUENT YEAR.

27 (G) PRIOR TO OBTAINING A FURBEARER USER'S LICENSE, A PERSON SHALL
28 SUCCESSFULLY COMPLETE A HUNTER SAFETY COURSE IF REQUIRED UNDER §
29 10-301.1 OF THIS TITLE, EXCEPT:

30 (1) A PERSON ENGAGED ONLY IN UNARMED CHASING OF FOX; OR

31 (2) A PERSON ENGAGED IN UNARMED TRAPPING OF FUR-BEARING
32 MAMMALS OR NUTRIA.

33 (H) PRIOR TO OBTAINING A FURBEARER USER'S LICENSE, A PERSON SHALL
34 COMPLETE A TRAPPING EDUCATION COURSE, EXCEPT:

35 (1) A PERSON ENGAGED ONLY IN UNARMED CHASING OF FOX; OR

1 (2) A PERSON ENGAGED ONLY IN THE HUNTING OF FUR-BEARING
2 MAMMALS OR NUTRIA WITHOUT THE USE OF A TRAP.

3 (I) (1) EXCEPT AS PROVIDED BELOW, PRIOR TO OBTAINING A FURBEARER
4 USER'S LICENSE, A PERSON WHO ENGAGES IN THE UNARMED CHASING OF FOX IS
5 REQUIRED TO TAKE A FOX CHASING EDUCATION COURSE.

6 (2) A NONRESIDENT OF MARYLAND WHO IS ACCOMPANIED BY A
7 RESIDENT LICENSED TO CHASE FOX IS EXEMPT FROM THE REQUIREMENT TO TAKE
8 FOX CHASING EDUCATION FOR THE PURPOSE OF CHASING FOX.

9 (J) A PERSON UNDER THE AGE OF 12 YEARS MAY NOT OBTAIN A FURBEARER
10 USER'S LICENSE.

11 (K) NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, A
12 LANDOWNER OR A LANDOWNER'S TENANT MAY KILL FUR-BEARING MAMMALS AND
13 NUTRIA WHICH ARE ACTIVELY INVOLVED IN DEPREDATIONS OF REAL OR PERSONAL
14 PROPERTY WITHOUT FIRST OBTAINING A FURBEARER USER'S LICENSE AND
15 WITHOUT REGARD TO THE SEASONS AND BAG LIMITS.

16 (L) A PERSON ENGAGED IN AN ORGANIZED CHASE-ONLY FIELD TRIAL THAT
17 HAS RECEIVED A PERMIT FROM THE DEPARTMENT PURSUANT TO § 10-701 OF THIS
18 TITLE IS EXEMPT FROM THE PROVISIONS OF THIS SUBTITLE.

19 (M) ALL REVENUES GENERATED FROM THE SALE OF FURBEARER USER'S
20 LICENSES SHALL BE DEPOSITED IN THE STATE WILDLIFE MANAGEMENT AND
21 PROTECTION FUND. ALL REVENUES ACCRUING TO THE WILDLIFE MANAGEMENT
22 AND PROTECTION FUND FROM THE SALES OF FURBEARER USER'S LICENSES SHALL
23 BE EXPENDED SOLELY FOR FUR-BEARING MAMMAL RESEARCH, MANAGEMENT, AND
24 EDUCATION PROJECTS. THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND,
25 AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT
26 ARTICLE.

27 (N) THE SECRETARY MAY ADOPT REGULATIONS REGARDING FURBEARER
28 USERS AND THE FURBEARER USER'S LICENSE SET FORTH IN THIS TITLE.

29 (O) THE SECRETARY MAY ESTABLISH A CITIZENS ADVISORY COMMITTEE
30 COMPRISED OF INDIVIDUALS THAT HAVE A WORKING KNOWLEDGE OF
31 FUR-BEARING MAMMAL MANAGEMENT. THIS COMMITTEE SHALL BE KNOWN AS THE
32 FUR RESOURCES ADVISORY COMMITTEE AND SHALL ADVISE THE DEPARTMENT ON
33 THE MANAGEMENT AND PROTECTION OF FUR-BEARING MAMMALS AND THE
34 EXPENDITURE OF REVENUE FROM THE SALE OF FURBEARER USER'S LICENSES.

35 (P) IN ADDITION TO ANY OTHER PENALTY, THE SECRETARY MAY SUSPEND OR
36 REFUSE TO ISSUE A FURBEARER USER'S LICENSE TO ANY PERSON WHO IS
37 CONVICTED OF VIOLATING ANY PROVISION OF THIS TITLE OR ANY REGULATIONS
38 ADOPTED UNDER THIS TITLE FOR A PERIOD NOT EXCEEDING 5 YEARS.

1 10-502.1.

2 ANY PERSON WHO SELLS, ATTEMPTS TO SELL, TRANSPORTS, SHIPS OR
3 ATTEMPTS TO TRANSPORT OR SHIP ANY FUR-BEARING MAMMAL, NUTRIA OR THE
4 RAW OR GREEN PELT OF ANY FUR-BEARING MAMMAL OR NUTRIA HARVESTED IN
5 MARYLAND SHALL FIRST OBTAIN A FURBEARER USER'S LICENSE OR A FUR DEALER'S
6 LICENSE.

7 10-502.2.

8 (A) THE DEPARTMENT SHALL PRESCRIBE A COURSE OF INSTRUCTION IN
9 TRAPPING AND FOX CHASING EDUCATION.

10 (B) THE DEPARTMENT SHALL DESIGNATE THOSE PERSONS OR AGENCIES
11 AUTHORIZED TO GIVE THESE COURSES OF INSTRUCTION, AND THIS DESIGNATION
12 SHALL BE VALID UNTIL REVOKED BY THE DEPARTMENT. THOSE DESIGNATED
13 PERSONS SHALL SUBMIT TO THE DEPARTMENT VALIDATED LISTINGS NAMING ALL
14 PERSONS WHO HAVE SUCCESSFULLY COMPLETED THE COURSE OF INSTRUCTION.

15 (C) A CERTIFICATE OF TRAPPING OR FOX CHASING PROFICIENCY SHALL BE
16 ISSUED TO EACH PERSON WHO SUCCESSFULLY COMPLETES THE COURSE OF
17 INSTRUCTION, AND THE CERTIFICATE SHALL BE VALID UNTIL REVOKED BY THE
18 DEPARTMENT.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October 1, 2001.